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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,295	11/13/2001	Linda Ann Roberts	9400-389 (01183)	2697

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Room 2A-207

One AT&T Way

Bedminster, NJ 07921

EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

09/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/008,295

Applicant(s)

ROBERTS ET AL.

Examiner

MARISSA THEIN

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-7, 9, 11, 12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-7, 9, 11-12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

Applicants' "Amendment and Response to Office Action Dated February 4, 2009" filed on May 4, 2009 has been considered.

Applicants response by virtue of amendment to claim 1 has overcome the Examiner's rejection under 35 USC §101.

Claims 1, 7, and 12 are amended. Claims 2, 4, 8, 10, and 13-14 are cancelled. Claims 1, 3, 5-7, 9, 11-12 and 15 remain pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6-7, 9, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,728,685 to Ahluwalia in view of U.S. Patent Application Publication No. 2002/0042846 to Bottan et al.

Ahluwalia shows providing the shopper a purchase order having an opportunity to select a notification option (see 448), wherein the notification option indicates that the shopper desire to be contacted if a triggering event occurs; receiving from the shopper the purchasing information and optionally supplied notification information; a consumer profile associated with the buyer and associated with the order information and notification information; providing a delivery date; accessing the notification information

in the shopper profile; if the shopper selected the notification option, notifying the shopper via email of a changed delivery date. Ahluwalia does not explicitly show that the notification is to be in the case of a triggering event; recognizing the occurrence of the triggering event; notifying the shopper that the triggering event has occurred; presence information. Ahluwalia does disclose real-time status is provided as requested or automatically in accordance with the occurrence of a predefined or significant event (col. 3, lines 27-30).

Bottan et al. show that the notification is to be in the case of a triggering event (paragraph 9; paragraph 24); recognizing the occurrence of the triggering event (paragraph 107); notifying the shopper that the triggering event has occurred (paragraph 107); and presence information using the event receiver module wherein the Presence information comprises real time information about the shopper's current status based on a real time status of a particular device that the shopper is currently using, and the presence information is provided by a presence database for storing the real time presence information (paragraph 26)

It would have been obvious to one of ordinary skill in the art to modify the method of Ahluwalia, the notification is to be in the case of a triggering event; recognizing the occurrence of the triggering event; and notifying the shopper that the triggering event has occurred; and presence information presence information using the event receiver module wherein the Presence information comprises real time information about the shopper's current status based on a real time status of a particular device that the shopper is currently using, and the presence information is provided by a presence

database for storing the real time presence information, as taught by Bottan, in order for notifications to be triggered by defined event messages sent to the personal support network that identify the subscriber and an event type, and that may further specify the location of the subscriber at the time the event (Bottan, paragraph 9).

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,728,685 to Ahluwalia and U.S. Patent Application Publication No. 2002/0042846 to Bottan et al. as applied to claims 1 and 7 above, and further in view of Hayes, Jr. et al. (2003/0195811).

Ahluwalia and Bottan substantially discloses the claimed invention, however, the invention does not explicitly discloses notification information representative of a plurality of pathways with each having a preferred rank.

Hayes, on the other hand, teaches notification information representative of a plurality of pathways with each having a preferred rank (paragraph 7).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Ahluwalia and Bottan, to include notification information representative of a plurality of pathways with each having a preferred rank, as taught by Hayes, in order to increase customer satisfaction and minimizes the problems associated with locating customers in today's dynamic world of increasingly transient and mobile customer, thus resulting in increased revenues (Hayes, paragraph 11).

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 5-7, 9, 11-12 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,026,375 to Hall discloses a method and system that enables service providers to receive an order from a mobile customer, receive customer location information from a location determination system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./
Examiner, Art Unit 3627
August 31, 2009

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627